

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Attorney Docket No.: F-764
) Customer No.: 00919
Matthew J. Campagna)
) Examiner: SHEIKH, Asfand M.
Serial No.: 10/726,252) Group Art Unit: 3627
Filed: December 1, 2003)
Confirmation # 3555) Date: January 11, 2010

Title: SYSTEM AND METHOD FOR VENDOR MANAGED SUBSIDIZED
 SUPPLY PIPELINE FOR BUSINESS CONTINUITY

COMMUNICATION

Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is submitted in response to the December 9, 2009 Notification of Non-Compliant Appeal Brief ("Notice"). A response is due January 9, 2010 or the next day that is not a Saturday, Sunday or federal holiday. Accordingly, this response is timely filed.

Appellant respectfully submits that the Notice is in error and requests that it be withdrawn. The Examiner states in the Notice only 2 alleged deficiencies in the September 10, 2009 Appeal Brief ("Appeal Brief").

In the first alleged deficiency, the Examiner states that 37 CFR 41.37 (c)(1)(v) requires that separately argued dependent claims be discussed in the Summary of Claimed Subject Matter Section. The Examiner notes that dependent claims 3, 4, 5, 7 and 15 are separately argued but not so discussed. However, 37 CFR 41.37 (c)(1)(v) only requires that separately argued dependent claims including "means-plus-function"

language be so discussed. Because dependent claims 3, 4, 5, 7 and 15 do not include “means-plus-function” language, the Appeal Brief complies with the rule.

In the second alleged deficiency, the Examiner states that 37 CFR 41.37 (c)(1)(vi) requires a concise statement of each ground of rejection and suggests that the Appeal Brief did not include such information. However, the Appeal Brief contains Section VI at page 8 of the brief that includes a concise statement of the sole ground of rejection in the Final Office Action. Accordingly, the Appeal Brief complies with the rule.

Therefore, Appellant respectfully submits in response to the Notice that the September 10, 2009 Appeal Brief complies with the rules and should be considered on the merits.

For at least the reasons stated in the September 10, 2009 Appeal Brief, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-764.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or

credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit
Account Number 16-1885, Order No. F-764.

Respectfully submitted,

/George M. Macdonald/

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